

1 BILL NO. Z-87-09-29

2 ZONING MAP ORDINANCE NO. Z- 08-88

3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. L-27.

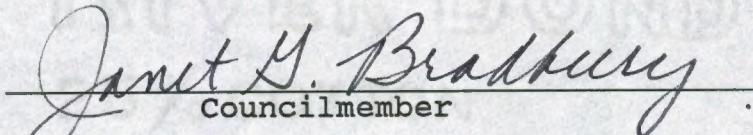
5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
6 FORT WAYNE, INDIANA:

7 SECTION 1. That the area described as follows is
8 hereby designated a B-4 (Roadside Business) District under
9 the terms of Chapter 33 of the Code of the City of Fort
Wayne, Indiana of 1974:

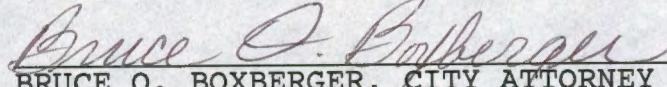
10 West 170 feet of the East 480.8 feet of the South 175
11 feet of Lot 7 Godfrey's Part, 7th Simeon's Subdivision,
12 Except Highway,

13 and the symbols of the City of Fort Wayne Zoning Map No. L-
14 27, as established by Section 11 of Chapter 33 of the Code
15 of the City
16 of Fort Wayne, Indiana are hereby changed accordingly.

17 SECTION 2. That this Ordinance shall be in full force
18 and effect from and after its passage and approval by the
19 Mayor.

20 
21 Janet G. Bradbury
22 Councilmember

23 APPROVED AS TO FORM AND LEGALITY:

24 
25 BRUCE O. BOXBERGER, CITY ATTORNEY

26
27
28
29
30
31
32

Read the first time in full and on motion by _____, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on _____ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19_____, at _____ o'clock _____ M., E.S.T.

DATED: _____

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____, seconded by _____, and duly adopted, placed on its passage. PASSED REDD LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	2			2
BRADBURY				✓
BURNS	✓			
GiaQUINTA	✓			
HENRY	✓			
LONG	✓			
REDD	✓			
SCHMIDT	✓			
STIER				✓
TALARICO	✓			

DATED: _____

6-14-87

SANDRA E. KENNEDY, CITY CLERK

Deputy

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 2-08-88
on the 14th day of June, 1988.

ATTEST

SEAL

SANDRA E. KENNEDY, CITY CLERK

Deputy

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of June, 1988, at the hour of 11:30 o'clock A.M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Deputy

Approved and signed by me this 16th day of June, 1988, at the hour of 8:30 o'clock A.M., E.S.T.

PAUL HELMKE, MAYOR

Read the first time in full and on motion by Bradbury
seconded by Eisburt, and duly adopted, read the second time
by title and referred to the Committee Regulations (and the
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne
Indiana, on _____, the _____ day of _____, 19_____, at _____ o'clock _____ A.M.

DATE: 9-22-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____
seconded by _____, and duly adopted, placed on _____
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>EISBART</u>	_____	_____	_____	_____	_____
<u>GIAQUINTA</u>	_____	_____	_____	_____	_____
<u>HENRY</u>	_____	_____	_____	_____	_____
<u>REDD</u>	_____	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: _____

SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. _____

on the _____ day of _____, 19_____

ATTEST:

(SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana
on the _____ day of _____, 19_____
at the hour of _____ o'clock _____ A.M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____
19_____, at the hour of _____ o'clock _____ A.M., E.S.T.

WIN MOSES, JR., MAYOR

RECEIPT

COMMUNITY DEVELOPMENT & PLANNING

No 2723

FT. WAYNE, IND., 8/19/89

RECEIVED FROM Malinda Walker \$ 50.00
THE SUM OF Fifty DOLLARS
ON ACCOUNT OF 592-528 Sewer Tax
Nezone 10ma

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO.

DATE FILED

8/19/87

INTENDED USE

Implementation

THIS IS TO BE FILED IN DUPLICATEI/We MICHAEL J. WALKER

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an B3B District to a/an B-4 District the property described as follows:

512-528 LOWER Huntington RD.West 170' of East 480.8' of South 175' Lot 7GODFREY'S PART, 7TH Simeon's Sub DIV. Except Hwy.

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 522-528 LOWER Huntington Rd.West 170' of East 480.8' of South 175', Lot #7 Godfrys part,
7th Simeons Sub. Division except Highway.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

MICHAEL J. WALKER.522 Lwr. HuntingtonMick Walker

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

MICHAEL J. WALKER

(Name)

522 Lwr. Huntington RDFT. WAYNE IND. 46819

(Address & Zip Code)

219-

747-2580 Home

(Telephone Number)

Work 747-5076

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on September 22, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-87-09-29; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on September 21, 1987.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

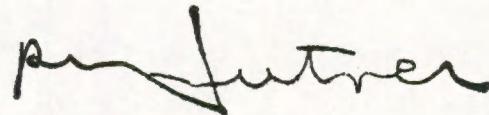
(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held September 28, 1987.

Certified and signed this
26th day of April 1988.



Robert Hutner
Secretary

ORIGINAL

Admn. Appr.

COUNCILMANIC DISTRICT No. 1

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 522 - 528 Lower Huntington Road

3-87-09-29

EFFECT OF PASSAGE Property is presently zoned B-3-B - General Business District.

Property will become B-4 - Roadside Business District.

EFFECT OF NON-PASSAGE Property will remain B-3-B - General Business District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.))

FACT SHEET

Z-87-09-29

BILL NUMBER**Division of Community
Development & Planning**

<u>BRIEF TITLE</u>	<u>APPROVAL DEADLINE</u>	<u>REASON</u>
Zoning Ordinance Amendment		
From B-3-B to B-4		

DETAILS		POSITIONS	RECOMMENDATIONS
Specific Location and/or Address	522 - 528 Lower Huntington Road	Sponsor	City Plan Commission
Reason for Project	To implement a rental business.	Area Affected	City Wide Other Areas
		Applicants/ Proponents	Applicant(s) Michael Walker City Department Other
Discussion (Including relationship to other Council actions)	<u>21 September 1987 - Public Hearing</u> Michael Walker, petitioner, stated that he is presently using the property for a motorcycle repair shop and wants to open an implement a rental business, which requires a B-4 zoning. Janet Bradbury questioned if he was aware of that the staff had recommended a landscape buffer against the residentially zoned properties. Mr. Walker stated that there is a 6 foot privacy fence to the rear, and a fence to the west. Mr. Walker stated that the front is used for a driveway and parking area. It was suggested that Mr. Walker meet with the landscape staff of CD&P. There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.	Opponents	Groups or Individuals Basis of Opposition
		Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
		Board or Commission Recommendation	By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
		CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

28 September 1987 - Business Meeting

Motion was made and seconded that the ordinance be returned to the Common Council with a DO PASS recommendation contingent upon the following condition being met:

- 1) The petitioner provide a landscape buffer against the RB zoned properties, meeting the requirements of the CD&P Landscape Architect.

Of the nine members present eight (8) voted in favor of the motion one (1) did not vote, motion carried.

NOTE: The petitioner provided said landscape buffer to the staff of CD&P and it has been approved as of April 25, 1988.

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start **Date** 19 August 1987

Projected Completion or Occupancy **Date** 26 April 1988

Fact Sheet Prepared by _____ Date 26 April 1988

Patricia Biancaniello

Reviewed by

Mary Battie
Reference or Case Num

Reference or Case Number

BILL NO. Z-87-09-29

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (RESOLUTION) amending the City
of Fort Wayne Zoning Map No. L-27

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (RESOLUTION) *Do Pass*

YES

NO

YES

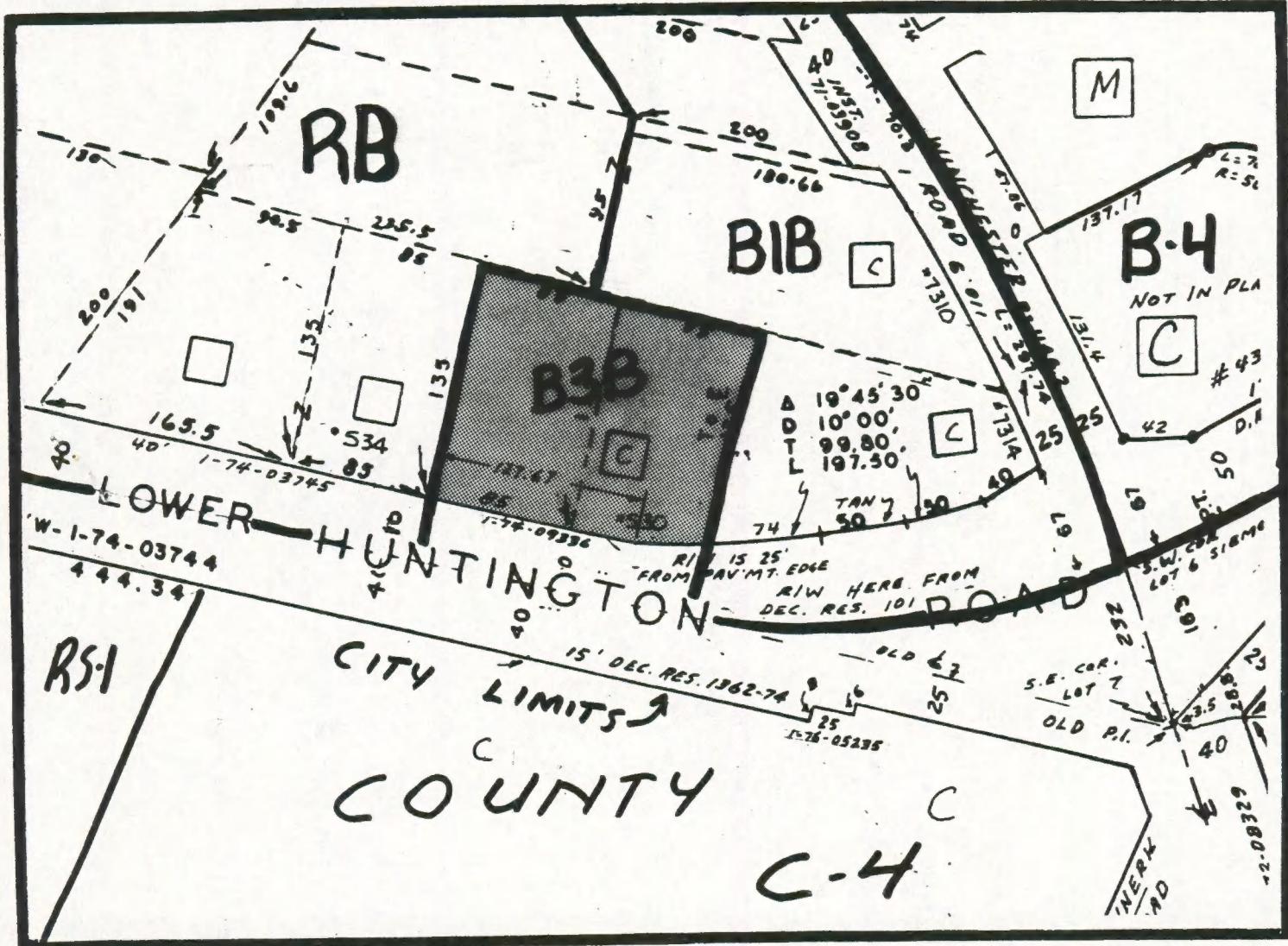
Janet G. Bradbury JANET G. BRADBURY
Chairperson CHAIRPERSON
Mark E. GiaQuinta MARK E. GIAQUINTA
Vice Chairman VICE CHAIRMAN
Charles B. Redd CHARLES B. REDD
David C. Long DAVID C. LONG
Paul M. Burns PAUL M. BURNS

CONCURRED IN

Sandra E. Kennedy
City Clerk

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING
THE DESCRIBED PROPERTY FROM A B3B DISTRICT TO A B4 DISTRICT
MAP NO. L-27

COUNCILMANIC DISTRICT NO. 5



ZONING:

RB RESIDENCE 'B'
B1B LIMITED BUSINESS 'B'
B4 ROADSIDE BUSINESS
B3B GENERAL BUSINESS 'B'
C4 ROADSIDE COMMERCIAL
RS-1 SUBURBAN RESIDENTIAL

LAND USE:

- SINGLE FAMILY
- MULTI-FAMILY
- COMMERCIAL

SCALE: 1" = 100'

DATE: 8-28-87

